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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,848	02/09/2004	Gregory D. Aviza	00216-621001 / Case 8107	9515
26161	7590	04/03/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/774,848	AVIZA ET AL.
Examiner	Art Unit	
Carolyn T. Blake	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 December 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

3. Claims 16-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 16, the limitation requiring "leaving said razor blades over said extents between said first and second longitudinal ends devoid of connections between adjacent razor blades so that adjacent razor blades are secured only at said first and second longitudinal ends" (lines 12-15) constitutes new matter because it was not described in the original disclosure. All of the

drawings clearly show the blades connected together as a unit (blade subassemblies 13, 60).

4. Claims 16-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, the limitation requiring "leaving said razor blades over said extents between said first and second longitudinal ends devoid of connections between adjacent razor blades so that adjacent razor blades are secured only at said first and second longitudinal ends" (lines 12-15) renders the claim indefinite. Is it unclear whether the blades are connected ("connecting first longitudinal ends to each other," line 7) or unconnected ("devoid of connections between adjacent razor blades," line 13).

***Claim Rejections - 35 USC § 102***

5. To the extent understood and disclosed by Applicant, claims 16-21 23, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gooding (4,200,976).

Gooding discloses a method of making a shaving razor as claimed, including: providing a plurality of elongated metal razor blades (12, 13, 14) having cutting edges (12a, 13a, 14a) and first and second longitudinal cutting ends; positioning said cutting edges parallel to each other and spaced from adjacent cutting edges so as to define a shaving surface; connecting first longitudinal ends to each other by welding first weld connections (near 11c)

during said positioning; and connecting said second longitudinal ends to each other by welding second weld connections (near 11c) during said positioning to result in an integrated blade unit; and leaving said razor blades over said extents between said first and second longitudinal ends devoid of connections between adjacent razor blades (since adjacent blades are not directly welded to one another) so that adjacent razor blades are secured only at said first and second longitudinal ends. Gooding discloses welding in col. 2, lines 20-21.

Regarding claims 17 and 18, Gooding discloses using a fixture (11) to align said blades (12, 13, 14) in parallel planes and to position said cutting edges (12a, 13a, 14a) at desired positions, wherein said fixture (11) has slots (such as those formed by tongues 11c1) to align said blades and stop surfaces to position said cutting edges.

Regarding claim 19, Gooding discloses providing a housing (10) having a recess therein, and positioning said integral unit in said recess.

***Claim Rejections - 35 USC § 103***

6. Claims 20 and 23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gooding.

It should be noted that Applicant has not recited the location of the top or bottom in relation to the other razor components. Accordingly, Gooding anticipates the claimed invention because an operator could hold the razor in a variety of positions during assembly, and thus the terms "top" and "bottom" are relative. For example, an operator could hold the housing in the position shown

in FIG 2, or flip the housing 180 degrees in order to get a better grasp when inserting the integrated blade unit.

To the extent it can be argued that a variety of assembly positions are not taught by Gooding, it would have been obvious to one of ordinary skill in the art at the time the invention was made to hold the components at different angles in order to gain a desired grasp when applying force and inserting the blade unit into place.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooding as applied to claims 16, 19, and 20 above, and further in view of Shurland et al (4,932,122).

Gooding discloses the invention substantially as claimed, but fails to disclose a pair of metal clips. Shurland et al disclose a method of making a shaving razor wherein two clips 40 are employed to secure the blades to the housing. Such clips would eliminate the need for the snap-fit connection taught by Gooding. Snap-fit connections generally require tight tolerances. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pair of clips, as taught by Shurland et al, with the Gooding invention in order to secure the blades to the housing and eliminate the snap-fit connection.

To the degree Shurland et al do not disclose metal for the clips, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to manufacture the Shurland et al clips from metal because metal can act as a spring, is relatively inexpensive, and is easy to manufacture.

***Allowable Subject Matter***

8. Claim 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments filed December 13, 2006 have been fully considered but they are not persuasive.

The examiner believes the claims would be clearer if Applicant were to claim both the cutting member (for instance, 26) and the attachment member (including 30) of each blade assembly (14), as well as the location of the welds in relation thereto. Such limitations may help overcome the prior art of record and rejections under 35 USC § 112.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The

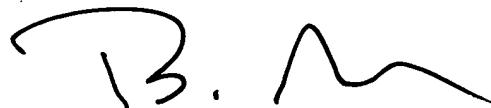
fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB

March 23, 2007



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER